

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAY SCOTT HEID, *et al.*,

Plaintiffs,

v.

MARK HOOKS, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:

Case No. 2:17-CV-650

JUDGE ALGENON L. MARBLEY

Magistrate Judge Vascura

ORDER

This matter comes before the Court on the Magistrate Judge's November 8, 2018 **Report and Recommendation** (ECF No. 27). The Magistrate's R&R recommended that Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 19) be granted in part and denied in part.

The Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (ECF No. 27 at 8). The parties have failed to file any objections, and the deadline for objections (November 22, 2018) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Defendants' Motion to Dismiss for Failure to State a Claim is **GRANTED IN PART** and **DENIED IN PART**. Plaintiffs' claims for monetary damages against Defendants in their official capacities are **DISMISSED**. Plaintiffs' claims for injunctive relief against Defendants in their official capacities may continue. Plaintiffs' claims against Defendants in their individual capacities may continue.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: April 15, 2019